

## REMARKS

Reconsideration of this application in light of the above amendments and the following remarks is requested. Claims 1, 10, 16, 17, 18, and 22 have been amended, claim 5 has been canceled, and the remaining claims have been maintained in their original form.

### **Rejections under 35 U.S.C. § 102(b)**

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,122,665 to Bar et al. ("Bar"). As the PTO provides in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." Therefore, the Bar patent must disclose all of the elements of the claims to sustain the rejections. Accordingly, Applicant respectfully traverses this rejection on the following grounds.

#### **Claims 1-4 and 6-9**

Claim 1, as amended, recites in part instructing the telephone recording device to store voice data during the voice session so long as the voice session has not been terminated, wherein the instruction to store the voice data is initiated by a user of the telephone recording device during the voice session.

In contrast, the cited text of Bar discloses that "[u]ser interface 18 preferably enables the user to enter such information as the definition of the parties whose calls should be monitored and/or logged ...." (col. 7, lines 20-23) (emphasis added). More specifically, "[m]anagement module 28 receives the data packets passed through by filtering module 24, and analyzes the received data packets. Optionally and preferably, a database 26 stores such information as the IP addresses of parties whose communication sessions should be logged, as well as the conversion table associating each party with at least one IP address, for example. The stored list of IP addresses representing those parties whose calls should be logged is preferably user-defined.... Management module 28 analyzes the packets in order to determine the specific communication session to which the data packets belong, the type of data compression being used (if any), and whether the data packets were sent from an IP address which should be monitored." (col. 8, lines 5-29) (emphasis added). In other words, the cited text of Bar is directed to defining the information to be recorded prior to a call.

Accordingly, the cited text of Bar fails to teach or disclose an instruction to store voice data that is initiated by a user of the telephone recording device during the voice session, as recited by claim 1. Therefore, the cited text of Bar fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 1 is allowable over the cited reference. Claims 2-4 and 6-9 depend from and further limit claim 1 and are allowable for at least the same reason as claim 1.

#### Claims 10-15

Claim 10, as amended, recites in part a save initiator for dynamically initiating the voice data recording during the voice session, wherein the recording can be started by a user at any time during the voice session.

In contrast, as described in greater detail above, the cited text of Bar discloses a user interface that enables the user to enter such information as the definition of the parties whose calls should be monitored and/or logged (col. 7, lines 20-23). Accordingly, the cited text of Bar fails to teach or disclose a save initiator for dynamically initiating the voice data recording during the voice session, wherein the recording can be started by a user at any time during the voice session, as recited by claim 10. Therefore, Bar fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 10 is allowable over the cited reference. Claims 11-15 depend from and further limit claim 10 and are allowable for at least the same reason as claim 10.

#### Claim 16

Claim 16, as amended, recites in part a save initiator on the telephone recording device for dynamically initiating the voice data recording at any time during the voice session.

In contrast, as described in greater detail above, the cited text of Bar discloses a user interface that enables the user to enter such information as the definition of the parties whose calls should be monitored and/or logged (col. 7, lines 20-23). Accordingly, the cited text of Bar fails to teach or disclose a save initiator on the telephone recording device for dynamically initiating the voice data recording at any time during the voice session, as recited by claim 16. Therefore, Bar fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 16 is allowable over the cited reference.

Claim 17

Claim 17, as amended, recites in part a save initiator for dynamically initiating the voice data recording during the voice session in real time in response to user input.

In contrast, as described in greater detail above, the cited text of Bar discloses a user interface that enables the user to enter such information as the definition of the parties whose calls should be monitored and/or logged (col. 7, lines 20-23). Accordingly, the cited text of Bar fails to teach or disclose a save initiator for dynamically initiating the voice data recording during the voice session, wherein the recording can be initiated in real time during the voice session, as recited by claim 17. Therefore, Bar fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 17 is allowable over the cited reference.

Claim 18

Claim 18, as amended, recites in part a save initiator for dynamically initiating the voice data recording after a voice session is established between the telephone recording device and the communication device, wherein the save initiator is configured to initiate the recording in response to user input received at any time until the voice session is terminated.

In contrast, as described in greater detail above, the cited text of Bar discloses a user interface that enables the user to enter such information as the definition of the parties whose calls should be monitored and/or logged (col. 7, lines 20-23). Accordingly, the cited text of Bar fails to teach or disclose a save initiator for dynamically initiating the voice data recording during the voice session, wherein the recording can be initiated during the voice session, as recited by claim 18. Therefore, Bar fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 18 is allowable over the cited reference. Claims 19-21 depend from and further limit claim 18 and are allowable for at least the same reason as claim 18.

Claim 22

Claim 22, as amended, recites in part instructing, by the user, during the session and before the session ends, the telephone recording device to store the temporarily saved voice data in a storage server connected to the local switch device.

In contrast, as described in greater detail above, the cited text of Bar discloses a user interface that enables the user to enter such information as the definition of the parties whose calls should be monitored and/or logged (col. 7, lines 20-23). Accordingly, the cited text of Bar

fails to teach or disclose instructing, by the user, during the session and before the session ends, the telephone recording device to store the temporarily saved voice data in a storage server connected to the local switch device, as recited by claim 22. Therefore, Bar fails to teach or suggest every element of the claim as required by MPEP § 2131, and claim 22 is allowable over the cited reference. Claim 23 depends from and further limits claim 22 and is allowable for at least the same reason as claim 22.

### Conclusion

It is clear from all of the foregoing that independent claims 1, 10, 16, 17, 18, and 22 are in condition for allowance. Dependent claims 2-4, 6-9, 11-15, 19-21, and 23 depend from and further limit their respective independent claims and therefore are allowable as well. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,



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